



PUBLIC NOTICE

US Army Corps
of Engineers
Albuquerque District
4101 Jefferson Plaza, NE
Albuquerque, NM 87109-3435

Fax No. 505-342-3498

cespa-od-r@usace.army.mil

Permit Application No: 2005 00705 Date: March 13, 2006

Phone: (719) 543-8102 Suspense Date: April 3, 2006

In Reply Refer to:

District Engineer, ATTN: CESPA-OD-R

PERMIT APPLICATION UNDER SECTION 404 OF THE CLEAN WATER ACT (33 USC 1344)

Summary of Proposed Project: We are requesting public comment on the following project before the above suspense date. The application is for a permit to place dredged and fill material for 150 linear feet of bank stabilization for Old Pueblo Road in Fountain Creek near Fountain, El Paso County, Colorado. The project will include a temporary diversion of river flow, and construction of 150 feet of gabion baskets bank stabilization and 11 spur dikes. Approximately 320 cubic yards riprap and concrete will be placed permanent fill. Details of the proposed project are provided below.

Name of Applicant: El Paso County Department of Transportation, 3460 North Marksheffel Road, Colorado Springs, CO 80922, Point of contact: Rich Harvey, 719-520-6842.

Location: The project is located south of Fountain on Old Pueblo Road in Fountain Creek, El Paso County, Colorado, Section 28, Township 16S, Range 65W.

Description of Work: To construct phase II of a washout on Old Pueblo Road. The work involves reestablishing the original road alignment of Old Pueblo Road before the washout occurred in 2004. The washout area will be backfilled and then protected by a 150 foot long, 10 foot high gabion basket wall and 11 spur dikes along the toe. Approximately .18 acres of wetland will be impacted during the construction.

The total quantity of fills is 320 cubic yards. Work is expected to begin in

April 2006 and be completed in June 2006.

Purpose and Need: The stated purpose of the project is to repair Old Pueblo Road. The need for the project is to provide a safe road for the public.

Related Work: The applicant has started on phase I of the project authorized by a nationwide permit. Phase I includes 370 feet of gabion bank stabilization and 23 spur dikes immediately downstream of phase II.

Mitigation Proposed by the Applicant: The applicant has stated that wetland mitigation at a 1:1 ratio will be completed. Mitigation plans will be submitted prior to issuance of a permit.

Plans and Data: Drawings showing the location of the work site and other data are enclosed with this notice. If additional information is desired, it may be obtained from the applicant, or from:

Diana Humphreys
U.S. Army Corps of Engineers
Southern Colorado Regulatory Office
720 North Main Street, Suite 300
Pueblo, CO 81003-3047
(719) 543-8102
Fax No. (719) 543-9475

Statement of Findings: The District Engineer has consulted the National Register of Historic Places and no properties listed in the Register are present at the site of the proposed construction. This constitutes the extent of cultural resource investigations by the District Engineer. It is possible, however, that presently unknown archeological, scientific, prehistoric, or historic data may be inadvertently lost or destroyed by the work accomplished under the requested permit. In the event that cultural resources are found, the SHPO will be contacted for advice on the appropriate action to be taken.

The following is a list of endangered (E) and threatened (T) species and/or critical habitat (CH) for El Paso County, Colorado:

-- Canada lynx (T)(*Lynx canadensis*), Bald eagle (T)(*Haliaeetus leucocephalus*), Black footed ferret (E)(*Mustela nigripes*), Greenback cutthroat trout (T)(*Salmo clarki stomias*), Mexican spotted owl (T)(*Strix*

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occidentalis lucida), Prebles meadow jumping mouse (T)(Zapus hudsonius preblei), Ute Ladies' tresses orchid (T)(Sprianthes diluvialis)

Our preliminary review indicates this project will not impact any threatened or endangered species or critical habitat.

The applicant has applied to the Colorado Department of Public Health and Environment for certification that this work is in compliance with applicable State water quality standards. The applicant is responsible for obtaining all other required Federal, state, and local authorizations for this work.

In accordance with environmental procedures and documentation required by the National Environmental Policy Act of 1969, an environmental assessment will be prepared for this project. Upon completion, the assessment may be seen at the U.S. Army Corps of Engineers, Albuquerque District Office or Southern Colorado Regulatory Office, at the address given above.

Comment: Any comments concerning this project should be received by the District Engineer no later than April 3, 2006. Comments received after the end of the Public Notice comment period will not be considered. However, more time may be given if a request, with a valid reason, is received prior to the suspense date. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed below. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for

both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The evaluation of the impact of this activity will include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act. All factors relevant to the proposal and the cumulative effects will be considered; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

If the District Engineer determines that the project complies with the 404(b)(1) guidelines, he will grant the permit unless issuance would be contrary to the public interest.

Any person may request a public hearing. The request must be submitted, in writing, to the District Engineer within 21 days of the date of this notice and must clearly set forth the reasons for holding a public hearing.

Todd Wang
Lieutenant Colonel, U.S. Army
District Engineer

Enclosure